

**BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**IN THE MATTER OF:**

**DANNY E. HUMBYRD, M.D.**

**C02-155**

**License number MD 6206**

**CONSENT ORDER**

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") alleging that Danny Humbyrd, M.D., Respondent, may have violated §5-37-5.1(19) The following constitutes the Investigating Committee's Findings of Fact with respect to the professional performance of the Respondent.

**Findings of Facts**

1. Respondent Danny E. Humbyrd, M.D. has been licensed to practice medicine in the state of Rhode Island since 1983. He is Board Certified in Orthopedic Surgery with a principal place of business of 1015 Toll Gate Road, Suite 206, Warwick, Rhode Island, 02886.
2. Respondent saw a self-referred 31 year-old female patient in his office for evaluation of pain in the left knee. The Respondent ordered appropriate diagnostic studies and diagnosed Osgood-Shlatter Disease (prominence of the tibial tuberosity). Respondent scheduled a surgical procedure on the left knee

in order to relieve symptoms in June of 1998. The patient's right knee was inadvertently prepped and draped for the procedure by the operating room staff and arthroscopy was initiated by the Respondent on the right knee. During the course of the procedure the Respondent discovered the error and stopped the surgery, closed the wound and the patient was sent to the recovery room. When the patient recovered from anesthesia, the Respondent explained the error to the patient. The patient agreed to continue surgery on the left knee. Follow-up care was transferred to another physician.

3. Respondent accepted responsibility for the error and was professional and courteous to the patient and subsequent treating physician.
4. The Board finds that the Respondent is in violation of Rhode Island General Laws § 5-37-5.1(19) for a failure to identify the correct site for the surgical procedure before initiating the procedure.

**The parties agree as follows:**

Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

- (1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (2) Respondent hereby acknowledges and waives:
  - a. The right to appear personally or by counsel or both before the Board;

- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(3) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

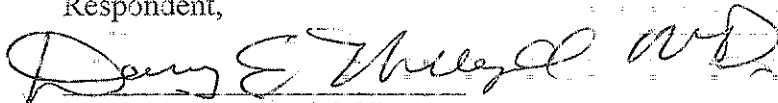
(4) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

(5) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(6) The Respondent accepts the sanction of a Reprimand. The Respondent shall pay an administrative fee of Seven Hundred and Fifty (\$750.00) dollars within 60 days of ratification of this Order.

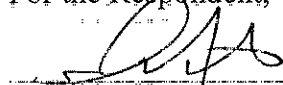
Signed this 3rd day of March, 2004.

Respondent,



Danny E. Humbyrd, M.D.


For the Respondent,



Alan R. Tate, Esq.  
Tate and Associates  
321 South Main St.  
Providence, RI 02903

Ratified by the Board of Medical Licensure and Discipline at a meeting held

on February 11, 2004.

  
Patricia A. Nolan, MD, MPH  
Director of Health